

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

**MICROBRIGHTFIELD, INC.,
Plaintiff**

v.

**ROBERT BOEHRINGER
and VISIOPHARM,
Defendants**

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File No. 1:05-CV-244

**RULING ON MOTION TO EXCUSE
ATTENDANCE AT ENE SESSION
(Paper 87)**

Counsel for defendant Visiopharm has filed a motion (in letter form) to excuse the personal attendance of its representative at the ENE session scheduled on Monday, December 4, 2006, in Boston, Massachusetts. While counsel states that the expense associated with travel from Denmark constitutes an unreasonable hardship and requests permission to participate by telephone, he concedes that the representative can be present.

The main objectives of ENE are to afford litigants an opportunity to articulate their positions, to hear firsthand their opponent's views on the matters in dispute, to hear a neutral assessment of the strengths and weaknesses of each party's case and to foster an environment for serious and productive settlement efforts. L.R. 16.3(g)(1).

Given this standard and the purposes underlying ENE, the defendant has not demonstrated a sufficient showing of unreasonable hardship and expense. Accordingly, Visiopharm's request that its representative be excused from ENE attendance is DENIED.

Pursuant to Local Rule 16.3(g), a representative shall personally attend the scheduled ENE session.

Further, the Court attaches its previous Ruling of October 18, 2006 (Paper 83) which included admonition to counsel regarding their undesirable practice of filing motions “in letter costumes.” The Court hereby ORDERS that counsel shall certify to the Court, in writing, on or before December 1, 2006, that each has read and understands the order that all motions and any requests for action by the Court shall be filed with the Clerk’s Office in accordance with the Federal Rules of Civil Procedure and the local rules of this district. In the future, letters from counsel will NOT be accepted for filing under any circumstances.

IT IS FURTHER ORDERED that the Clerk of Court serve copies of this Ruling electronically, or by United States mail or facsimile, upon the attorneys of record for the parties appearing in this case, as well as the ENE Evaluator.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 16th day of November, 2006.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge